

48.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

SAMUEL RUSSELL FLIPPEN,

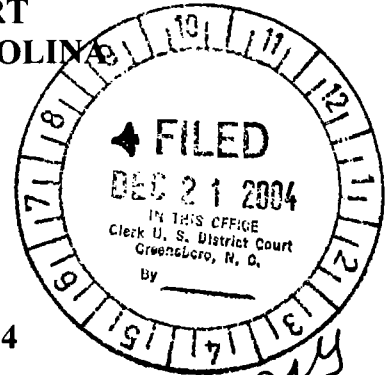
Petitioner,

v.

**MARVIN POLK, Warden,
Central Prison, Raleigh, North Carolina,**

Respondent.

1:01CV00674



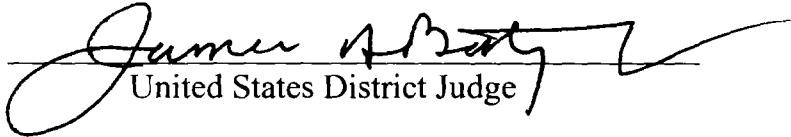
O-R-D-E-R

On October 4, 2004, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed and notice was served on the parties in this action and a copy was given to the court.

Within the time limitation set forth in the statute, counsel for Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that Petitioner's application for a certificate of appealability (Pleading No. 39) be **DENIED**.


United States District Judge

Date: 12-21-04